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ELEMENTARY PRINCIPLES OF THE ROMAN PRIVATE LAW. By W. W. Buckland, M. A., Fellow and Tutor of Gonville and Caius College, Cambridge. Cambridge: University Press. 1912. pp. viii, 419.

This is a new type of elementary book on Roman law. Indeed it is not elementary in the sense that has been made too familiar by the general run of manuals and compendiums in English. Instead it is the type of elementary book which may be written only by one who has mastered his subject and may be used only by one who desires to study the problems which his subject raises, and not merely to pass a conventional elementary examination.

In form the book is a running commentary on Gaius and the Institutes; not in the usual manner of such commentaries, however, but in the form of stating the problems that grow out of the texts, and the difficulties involved in reconstructing the institutions and doctrines of the classical Roman law on the basis thereof. As stated by the author, the purpose is "to discuss institutions rather than to state rules, to suggest and stimulate rather than to inform." This purpose is well carried out. The teacher familiar with the controversies which continental scholars have been raising, especially in their attempts to recover the law of the third century from the palimpsests, as it were, which interpolations in the Digest have made of the excerpts from the classical jurists, will find that the problems that are worth while have been selected with much judgment and have been stated critically. He will find, moreover, that the author has thought about them and so has been able to give an independent value to his way of raising them.

If there are still those who study law by themselves, as many of us had to do substantially in the past, they could make no mistake in taking such a book after the Institutes and Gaius, and attempting to wrestle with the questions which it suggests by the aid of the Digest and the references to the modern books. But in such a subject as Roman law students of this sort are likely to be teachers. It is probable, therefore, that the book will be used more by teachers than by students.

The tendency of recent scholarship on the Continent is in the direction of historical and institutional study of the Roman law prior to Justinian. We must not forget, however, that Justinian's law books were the materials upon which those wrought who built up our modern law and that the "gemeines Recht" of the eighteenth and nineteenth centuries which resulted has possibly more value for Anglo-American students because of its relation to comparative law. Study of the way in which the same problem is dealt with in the Anglo-American common law, in the modern codes and in this common law of continental Europe, and comparison of the way in which the Roman law, as found in the Digest, has been developed into law for modern Europe with the way in which we are treating our classical common-law tradition, may possibly be as important and as valuable as reconstruction of the legal institutions of the days of the Antonines. Recently "Pandekten" have been pushed to one side in Germany and yet one may suspect that this study of the common law which culminated in the code may presently prove fruitful as a new common law develops on the basis thereof. At any rate it would seem desirable that instead of continuing to follow continental scholarship English and American students of Roman law devote at least part of their time to the body of doctrines based upon the Digest which underlies the law of all that part of the modern world which does not speak English.

R. P.